

MESSAGE NO: 9288215 MESSAGE DATE: 10/15/1999

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: REV-Revocation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-351-820

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/14/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: REVOCATION OF ANTIUDMPING DUTY ORDER ON FERROSILICON FROM BRAZIL
(A-351-820)

MESSAGE NO: 9288215

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REFERENCE:

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CASES: A - 351 - 820

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PERIOD COVERED: 03 14 1994 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: REVOCATION OF ANTIUDMPING DUTY ORDER ON FERROSILICON
FROM BRAZIL (A-351-820)

1. THE DEPARTMENT OF COMMERCE HAS RESCINDED THE ANTIDUMPING DUTY ORDER ON FERROSILICON FROM BRAZIL AND PUBLISHED THE RESCISSION IN THE FEDERAL REGISTER ON 09/21/1999 (64 FR AT PAGE 51097). THE DEPARTMENT'S RESCISSION IS BASED ON THE INTERNATIONAL TRADE COMMISSION'S RECONSIDERATION ON 08/24/1999 OF ITS ORIGINAL INJURY DETERMINATION IN THE ABOVE CASE. BECAUSE THE INTERNATIONAL TRADE COMMISSION RECONSIDERED ITS ORIGINAL INJURY DETERMINATION AND FOUND NO MATERIAL INJURY OR THREAT OF MATERIAL INJURY, THE ORDER IN THIS CASE IS LEGALLY INVALID FROM THE DATE

OF ITS ISSUANCE, 03/14/1994.

2. AT THE TIME OF THE INTERNATIONAL TRADE COMMISSION'S DECISION, THE COMMERCE DEPARTMENT WAS CONDUCTING TWO (2) ADMINISTRATIVE REVIEWS OF THE ANTIDUMPING DUTY ORDER ON FERROSILICON FROM BRAZIL COVERING THE PERIODS 03/01/1997 THROUGH 02/28/1998; AND 03/01/1998 THROUGH 02/28/1999. AS A RESULT OF THE DEPARTMENT'S RESCISSION, THESE TWO ADMINISTRATIVE REVIEWS ARE TERMINATED.

3. WITH RESPECT TO UNLIQUIDATED ENTRIES OF FERROSILICON THAT ARE THE SUBJECT OF COURT ORDERED INJUNCTION, THE COMMERCE DEPARTMENT CONTINUES TO BE ENJOINED FROM ORDERING THE LIQUIDATION OF THESE ENTRIES UNTIL THE COURT DISPOSES OF THE LITIGATION OR DISSOLVES THE INJUNCTIONS. IN THE CASE OF THE ANTIDUMPING DUTY ORDER ON FERROSILICON FROM BRAZIL, THIS COVERS SUBJECT MERCHANDISE WHICH WAS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/15/1993 THROUGH 02/29/1996.

4. THEREFORE, WITH THE EXCEPTION OF SUBJECT MERCHANDISE FROM BRAZIL ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/15/1993 THROUGH 02/29/1996, CUSTOMS IS DIRECTED TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR ANTIDUMPING PURPOSES ON ALL SHIPMENTS OF FERROSILICON FROM BRAZIL. THESE ENTRIES SHOULD BE LIQUIDATED WITHOUT REGARD TO ANTIDUMPING DUTIES (I.E., RELEASE ALL BONDS POSTED FOR ANTIDUMPING PURPOSES AND REFUND ALL ANTIDUMPING DUTY CASH DEPOSITS WITH INTEREST).

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST

SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT JACK DULBERGER AT 202-482-5505, AD/CVD ENFORCEMENT GROUP II, OFFICE 4, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party